

REMARKS

The Examiner is thanked for the due consideration given the application.

Claims 11-30 are pending in the application. The claims have been amended to improve their language in a non-narrowing fashion, and no new issues are thus raised.

No new matter is believed to be added to the application by this amendment.

Entry of this amendment under 37 CFR §1.116 is respectfully requested because it addresses matters of form set forth in the Office Action and places the application in condition for allowance.

Rejection Under 35 USC §112, Second Paragraph

Claims 11-30 have been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The Office Action asserts that the term "it" renders the claims indefinite. However, the claims have been amended so as to not utilize the term "it".

The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

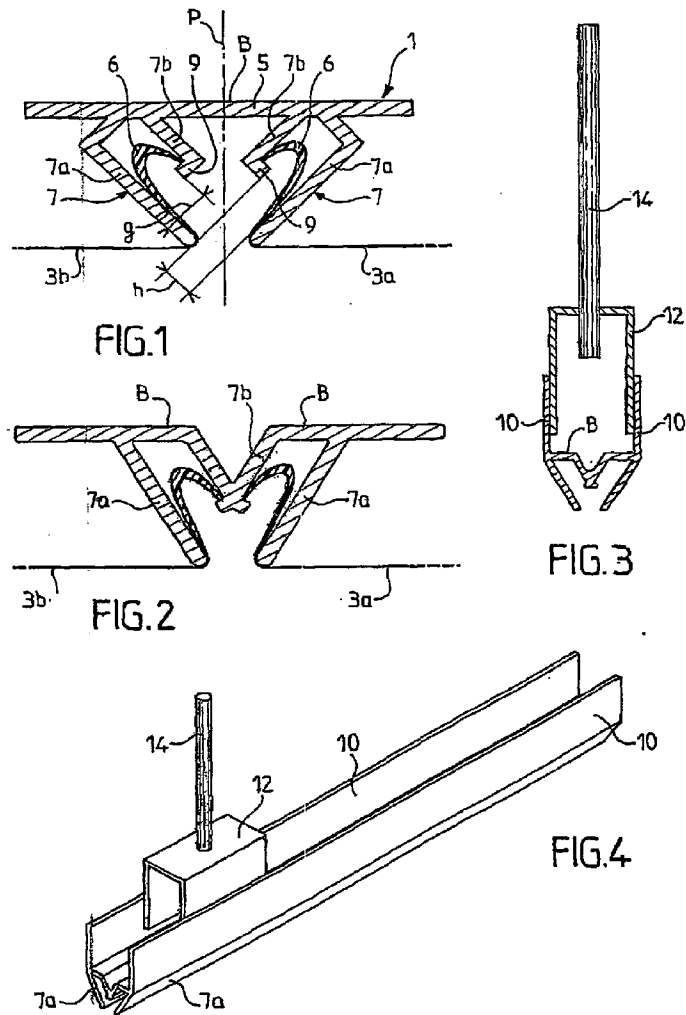
Rejections Under 35 USC §103(a)

Claims 11-17, 19-27 and 29-30 have been rejected under 35 USC §103(a) as being unpatentable over SCHERRER in view of BARKER. Claims 18 and 28 have been rejected under 35 USC §103(a) as being unpatentable over SCHERRER in view of BARKER, and further in view of SCHERRER et al. These rejections are respectfully traversed.

The present invention pertains to an inclined separating ribband and a false wall formed of stretched fabric and joined by the ribband, this ribband being composed of so-called "invisible" sections to significantly reduce the gap between two adjacent elements of the fabric surface. This gap space can be used to pass the peripheral edge of the fabric for each of the two holding arrangements of the ribband.

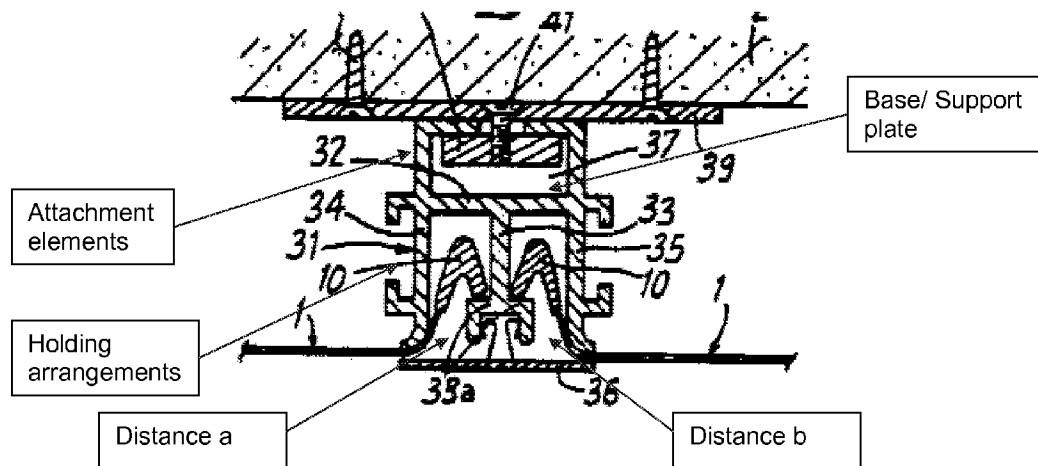
The present invention produces advantages that are unexpected in the conventional art, in that common space can be used to pass the peripheral edge of the fabric for each of the two holding arrangements. The present invention also enables the fitter to make a more or less pronounced curvature at the bottom of the two support elements, and to bring the ends of the highest flanges towards each other by a variable distance depending on the needs of the application considered.

This technology of the present invention can be readily observed, by way of example, in Figures 1-4 of the application, which are reproduced below.



SCHERRER pertains to a false ceiling. The Official Action refers to an annotated copy of Figure 5 of SCHERRER, which is reproduced below.

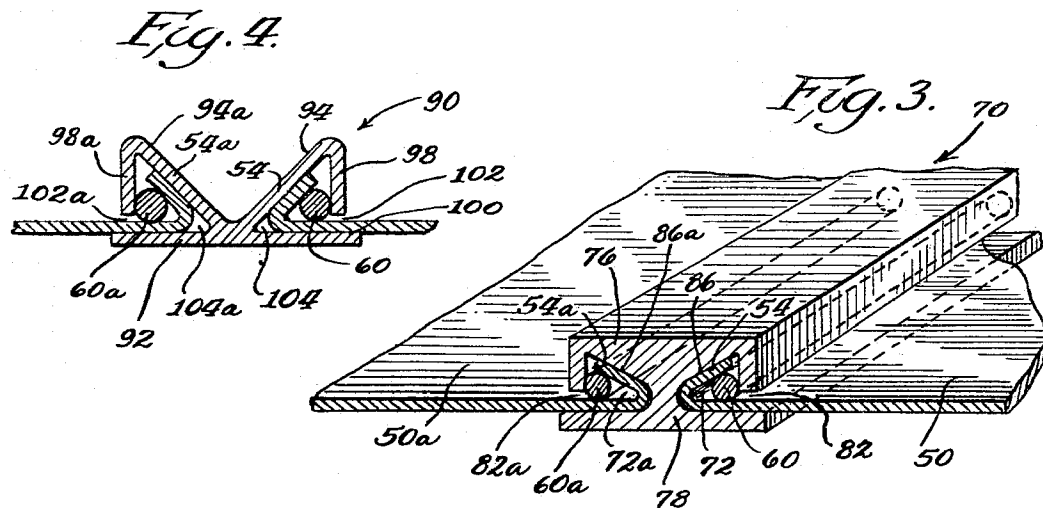
FIGURE 5A



As has been noted in the Amendment of December 4, 2008, SCHERRER (especially the embodiment shown in Figure 5) reveals a false ceiling from two coplanar horizontal taut sheets 1 that are fastened to the same double rail 31 fixed beneath the ceiling 2. This double rail 31 is formed from an upper horizontal web 32 that is downwardly extended by a vertical central flange 33 and two other vertical flanges 34, 35 of greater height, located on either side of the central vertical flange and at a distance therefrom. The central vertical flange 33 bears at its lower end two shoulders 33a extending horizontally on either side of the flange 33, respectively in the direction of the two flanges 34, 35, and serving to retain the harpoons 10 constituting the borders of the two sheets 1. The two vertical flanges 34, 35 terminate, at their lower ends, in rounded parts beneath which pass the sheets 1, as in the case of the embodiment of Figure 1. A decorative piece 36 is fixed, for example, by clipping to the

lower end of the central flange 33 in order to close the lower part of the rail 31, i.e., to hide and not to reduce the gap between the two sheets of the false ceiling.

BARKER pertains to structural joints. Figures 3 and 4 of BARKER are reproduced below.



BAKER reveals an in-line panel connector 70 including a body 76, two laterally spaced through-channels 72 and 72a formed longitudinally within the body 76 and laterally opening continuous slits 82, 82a communicating with the channels and permitting passage of the panels 50 and 50a and the rod 60 and 60a into the corresponding channels 72 and 72a. In Figure 4 of BARKER, to reduce the weight of the body, a cut-out is formed in the body to obtain elongated webs 94 and 94a. This in-line connector does not reduce the gap between two adjacent elements of the fabric surface.

SCHERRER et al. fail to address the deficiencies of SCHERRER and BARKER discussed above.

None of the applied art documents suggests a ribband technology allowing to reduce the gap between two adjacent elements of the fabric surface. The applied art documents contain no teachings that would cause one of ordinary skill and creativity to produce the particular constructive solution of the invention to address the deficiencies of the related art. Neither SCHERRER nor BARKER (nor SCHERRER et al.) covers the gap between two adjacent elements of the fabric surface with a visible piece.

Nonetheless, at page 4 the Official Action asserts:

"Scherrer fails to specifically disclose the dimensions as specified between the flanges. However, a change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Scherrer to include flanges with the claimed dimensions in order to accommodate for a particular size of harpoon edge.

*Similarly, it would have been an obvious matter of choice to one of ordinary skill in the art to have modified the shape of the double rail with a shared flange as taught by Scherrer to consist of a pair of flanges, since such a modification would have only involved a mere change in the shape of a component. And since the functionality of the double rail flange is maintained, **absent any persuasive evidence that a***

particular configuration of the claimed shape is significant, a change in shape is generally recognized as being within the level of ordinary skill in the art (In re Dailey, 357 F2d 669, 149 USPQ 47 (CCPA 1966))."
(Emphasis added)

However, the significance of the claimed shape is discussed at page 2, lines 16-23 of the specification, which states:

"Such a device has several advantages. Firstly, it means that a common space can be used to pass the peripheral edge of the fabric for each of the two holding arrangements.

This invention also enables the fitter to make a more or less pronounced curvature at the bottom of the two support elements, and to bring the ends of the highest flanges towards each other by a variable distance depending on the needs of the application considered."

Therefore, the geometry of the present invention produces advantages that are unforeseen in the conventional art typified by SCHERRER, BARKER and SCHERRER et al.

As a result, one of ordinary skill and creativity would fail to produce a claimed embodiment of the present invention from and knowledge of SCHERRER and BARKER (and SCHERRER et al.). A *prima facie* case of unpatentability has thus not been made.

Also, the unique features and advantages of the present invention (ass discussed above) would fully rebut any unatentability that could be alleged.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

Prior art cited of record but not utilized is believed to be non-pertinent to the instant claims.

The objections and rejections are believed to have been overcome, obviated or rendered moot, and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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